

1 UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF WASHINGTON

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4 Federal Insurance Co., et al.,

5 Plaintiffs,

6 v.

7 Metropolitan Mortgage &
8 Securities Co., Inc. et al.,

9 Defendants.

No. CV-05-309-FVS

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**ORDER GRANTING FEDERAL
INSURANCE COMPANY'S MOTION
FOR DISCHARGE AND PERMANENT
INJUNCTION**

The Court, being fully advised, now therefore,

IT IS HEREBY ORDERED:

1. Plaintiff Federal Insurance Company's Motion for Discharge
and Permanent Injunction, **Ct. Rec. 180**, is **GRANTED**.

2. All of the defendants to the interpleader action entitled *Federal Insurance Company v. Metropolitan Mortgage & Securities Company, Inc.*, No. CV-05-309-FVS, (the "Federal Interpleader Action") shall interplead and litigate between themselves their rights to the limit of liability of Federal Excess Errors and Omissions Insurance Policy No. 70430220 (the "Federal Policy"), which has been deposited by Plaintiff Federal Insurance Company with the Registry for the United States Bankruptcy Court for the Eastern District of Washington, transferred to the Clerk of this Court, and subsequently deposited in the Registry for this Court pursuant to the Court's January 11, 2006 Order (Ct. Rec. 306).

3. Plaintiff Federal Insurance Company is discharged from any

1 and all liability to the defendants in the Federal Interpleader Action
2 and any future claimants to the proceeds of the Federal Policy.

3 4. All of the defendants to the Federal Interpleader Action are
4 restrained from instituting or further prosecuting any other
5 proceedings in any court affecting the rights and obligations as
6 between the parties to the Federal Policy without the consent of this
7 Court.

8 5. Federal Insurance Company is fully exonerated from any future
9 claims under or in relation to the Federal Policy.

10 6. Pursuant to Federal Rule of Civil Procedure 54(b), Federal
11 Insurance Company's Motion for Entry of Judgment (**Ct. Rec. 405**) is
12 **GRANTED**.

13 **IT IS SO ORDERED.** The District Court Executive is hereby
14 directed to enter this Order, furnish copies to counsel, and **ENTER**
15 **JUDGMENT for Federal Insurance Company.**

16 **DATED** this 4th day of May, 2006.

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18 s/ Fred Van Sickle
19 Fred Van Sickle
20 United States District Judge
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